REMARKS

Applicant respectfully requests reconsideration of the instant application in view of the amendments, herein, and the following remarks:

The following claims are *pending*: 1-5, 7, 8, 14, 15, 17, 18 and 24-41.

The following claims are *independent*: 1, 14, 24, 28 and 35.

The following claims have previously been *cancelled* without prejudice or disclaimer: 6, 9-13, 16 and 19-23.

Please *add new* claims 24-41 and please *amend* claims 2-5, 7, 8, 15, 17 and 18; although these claims have been amended herein to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices, Applicant submits that the originally filed claims are patentable and reserves the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation/divisional application(s). Applicant submits that these new claims and/or claim amendments are supported throughout the originally filed specification and that no new matter has been added by way of these amendments.

Claim Rejections - 35 U.S.C. § 102

The Office Action rejected claim(s) 1, 2-5, 7-8, 14-15 and 17-18 under 35 U.S.C. § 102 (e) as anticipated by Bennett et al., US Patent No. 7,110,969 (hereinafter "Bennett").

Applicant respectfully traverses the rejection and submits that a showing of anticipation has not been made and that Bennett does not discuss every element of the noted claim(s).

Applicant submits Bennett does <u>not</u> discuss or render obvious at least the following element(s) as recited, *inter alia*, in independent claim(s) 1:

> An automated securities order execution system, comprising:
> ...
> at least one filtering means for determining whether the order can be automatically executed;
> routing means for routing the order to a destination based upon the determination made by each of said at least one filtering means;
> ... .

The Office Action asserts the above claimed elements are shown in Bennett and alleges:

> Bennett teaches an automated securities order execution system (abstract) comprising: ... at least one filtering means for determining whether the order can be automatically executed (col. 21, line 20-26, lines 58-63; col. 22, lines 59-67); routing means for routing the order to a destination based upon the determination made by each of said at least one filtering means (col. 5, line 35 to col. 6, line 54; abstract). (Office Action, p.3).

Applicant disagrees with the Examiner's characterization of the cited reference.

In direct contrast to the Examiner's assertions, Applicant submits that Bennett discusses *methods and systems for routing orders for multiple financial instrument types and filtering broker reports*. With regard to "routing orders," Bennett specifically discusses "... provid[ing] the broker with one point of access to various financial instrument and markets by its ability to route orders for multiple instrument types using multiple ordering

protocols" (Bennett, col. 3, lines 64-67). As such, Bennett's system merely facilitates trading between various financial service providers and brokers by bringing them together and therefore fails to anticipate the claimed elements as recited in independent claim 1.

Further, Applicant notes that Bennett also discusses sorting or filtering of broker and fund manager reports based on a combination of fields defined in Bennett's tables 13, 14, 15 and 16, and discussed as:

> ... detailed broker reports can be sorted or filtered for filled orders using any combination of the following fields: (1) Transaction Number; (2) Time: Broker Entry; and/or (3) Fund Manager 25 Name. (Bennett, col. 21, ln. 20-26).

Bennett further discusses sorting or filtering for "reconciliation of orders:"

> ... detailed broker reports can be sorted or filtered for reconciliation of orders for a particular day using any combination of the 6 following fields: (1) Number of Orders filled +; (2) Number of Orders pending +; (3) Number of Orders rejected =; and (4) Number of Orders received prior day (before cut-off). (Bennett, col. 21, ln. 58-64).

Applicant also notes that Bennett discusses sorting or filtering of "fund manager reports":

> ... detailed fund manager reports can be sorted or filtered for orders not yet filled by the fund manager using any combination of the following fields: (1) Transaction Number; (2) Time: Broker Entry; (3) Broker ID; and/or (4) Status. (Bennett, col. 22, ln. 59-64).

However, Applicant submits that Bennett's discussion on manipulating reports to view organized/selected data for "orders not yet filled" or "filled orders" are fundamentally different from the claimed elements. As such, Applicant submits that, in the cited portions as well as rest of Bennett, there is <u>no</u> discussion on the claimed ".... filtering means <u>determining</u>

whether the order can be automatically executed" as explicitly recited in independent claim 1 (emphasis added). Furthermore, Applicant submits that the claimed "routing means for routing the order to a destination based upon the determination made by each of said at least one filtering means" is also not anticipated by Bennett (emphasis added).

Accordingly, Applicant submits that Bennett's *methods and systems for routing orders for multiple financial instrument types and filtering broker reports* is different from at least the claimed elements as recited in independent claim(s) 1. For at least the reasons discussed above, Applicant submits that the pending rejection has mischaracterized the language of the claim element and/or the applied reference and, thus, has not established a case of anticipation.

The MPEP prescribes that, "when evaluating the scope of a claim, *every limitation in the claim must be considered*," (§ 2106 II(C), emphasis added) and, "*All words* in a claim must be considered in judging the patentability of that claim against the prior art." (§ 2143.03, emphasis added). Applicant submits that the pending rejection has failed to consider "every limitation in the claim" and "[a]ll words in [the] claim" in judging the patentability of the claim against the prior art by mischaracterizing claim elements and/or over-generalizing the applied reference(s).

Accordingly, Applicant submits that a showing of anticipation has not been established and respectfully requests reconsideration and withdrawal of this basis of rejection and allowance of the claim(s). Should the Examiner maintain the rejection, Applicant respectfully requests that the Examiner provide specific citations and explanations describing

how each and every element of the pending claims are allegedly anticipated by the cited reference, providing indications of specific, alleged correspondences between claim elements and cited portions of the applied reference; more specifically, Applicant respectfully requests additional clarification as to how and specifically why the Examiner believes *sorting and filtering of reports* as described in Bennett, is allegedly analogous to "filtering means determining whether the order can be automatically executed ... [and] routing means for routing the order to a destination based upon the determination made by each of said at least one filtering means," as recited in independent claim 1.

Because the pending rejection has not established a *prima facie* case of anticipation by neglecting and/or mischaracterizing claim elements and because the applied reference does not discuss or render obvious at least the claim elements discussed above, Applicant respectfully requests reconsideration and withdrawal of this basis of rejection. Should the Examiner maintain the rejection, Applicant respectfully requests that the Examiner provide specific citations and explanations describing how each and every element of the pending claims are allegedly anticipated by the cited reference, providing indications of specific, alleged correspondences between claim elements and cited portions of the applied reference.

As such, Applicant respectfully submits that at least these claim elements are not anticipated by Bennett. Although different in scope, Applicant submits that claims 14 is also patentable over the cited reference(s) for at least similar reasons as discussed above. For example, independent claim 14 recites, *inter alia*,

An automated securities order execution system, comprising:
...

> at least one trader filter for determining whether the order can be automatically executed;
> ...
> routing means for routing the order to a destination based upon the determination made by said broker, trader and compliance filters;

and as such are also not discussed or rendered obvious by the applied reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this basis of rejection and allowance of the claims.

Although different in scope, Applicant submits that claim 24 is also patentable over the cited reference(s) for at least similar reasons as discussed above. For example, independent claim 24 recites, *inter alia*,

> A computer system implemented method for executing securities order, comprising:
> ...
> determining via at least one broker filter whether the order meets predefined brokerage rules for processing;
> determining via at least one trader filter whether the order meets trader specific criteria for automatic execution;
> determining via at least one compliance filter whether the order meets market specific criteria for the security;
> routing by a computer system the order to a destination based upon the determination made by the broker, trader and compliance filters;
> ...

and as such are also not discussed or rendered obvious by the applied reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this basis of rejection and allowance of the claims.

Although different in scope, Applicant submits that claim 28 is also patentable over the cited reference(s) for at least similar reasons as discussed above. For example, independent claim 28 recites, *inter alia*,

> A computer system implemented method for executing securities order, comprising:
> ...
> determining via a series of broker filters whether the order meets predefined brokerage rules for processing;
> determining via a series of trader filters whether the order meets trader-specific rules for automatic execution, wherein the rules are applied to the order according to trader-defined priority;
> determining via at least one compliance filter whether the order meets market-specific compliance criteria for the security;
> routing by a computer system the order to a destination based upon the determination made by the broker, trader and compliance filters;
> ...

and as such are also not discussed or rendered obvious by the applied reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this basis of rejection and allowance of the claims.

Although different in scope, Applicant submits that claim 35 is also patentable over the cited reference(s) for at least similar reasons as discussed above. For example, independent claim 34 recites, *inter alia*,

> An apparatus, comprising:
> a memory;
> a processor disposed in communication with said memory, and configured to issue a plurality of processing instructions stored in the memory, wherein the processor issues instructions to:
> ...
> determine via a series of broker filters whether the order meets predefined brokerage rules for processing;

> determine via a series of trader filters whether the order meets trader-specific rules for automatic execution, wherein the rules are applied to the order according to trader-defined priority;
> determine via at least one compliance filter whether the order meets market specific criteria for the security;
> route the order to a destination based upon the determination made by the broker, trader and compliance filters;
> ...

and as such are also not discussed or rendered obvious by the applied reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this basis of rejection and allowance of the claims.

Furthermore, Applicant submits that claims 2-5, 7, 8, 15, 17, 18, 25-27, 29-34 and 36-41, which depend directly or indirectly from independent claims 1, 14, 24, 28 and 35 are also not discussed or anticipated by Bennett, for at least similar reasons as those discussed above identifying deficiencies in the applied references with regard to the independent claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this basis of rejection.

CONCLUSION

Consequently, the reference(s) cited by this Office Action and/or any previous office action(s) (hereinafter "Office Action(s)") do not result in the claimed invention(s), there was/is no motivation, basis and/or rationale for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed invention(s) are not admitted to be prior art. Also, Applicant does not accept, admit, and/or concede to any Official Notice that has been taken and/or (mis)characterizations of claims made in the Office Action(s). Thus, the Applicant respectfully submits that the

supporting remarks and claimed inventions, claims <u>1-5, 7, 8, 14, 15, 17, 18 and 24-41</u>, all: overcome all rejections and/or objections as noted in the Office Action(s), are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Furthermore, Applicant believes that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art. While many other claim elements and/or bases for rejection were not discussed as they have been rendered moot based on the above amendments and/or remarks, Applicant asserts that all such remaining and not discussed claim elements and/or bases for rejection, all, also are distinguished over the prior art and reserves the opportunity to more particularly traverse, remark and/or distinguish over any such remaining claim elements and/or bases for rejection at a later time, should it become necessary. Further, any remarks that were made in response to any Office Action(s) objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to other Office Action(s) objection and/or rejection as to any other claim element(s), any such re-assertion of remarks is not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim element(s), and no such commonality is admitted as a consequence of any such re-assertion of remarks. As such, Applicant does not concede that any claim element(s) have been anticipated and/or rendered obvious by any of the cited reference(s) and/or any Official Notice. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection(s) and/or objection(s), and allowance of all claims.

Authorization

Applicant hereby authorizes and requests that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit Account No. 03-1240, Order No. 17209-476. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicant requests that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicant hereby authorizes and requests that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 17209-476.

In the event that a telephone conference would facilitate examination of the application in any way, Applicant invites the Examiner to contact the undersigned at the number provided.

Respectfully submitted,
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Dated: January 28, 2010   By:/Daniel C. Sheridan/
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